

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

: Case No. 3:06-cr-179  
Also 3:13-cv-261

-vs-

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

DONNELL LETEL COOK,

Defendant.

:

---

**ORDER ADOPTING THIRD SUPPLEMENTAL REPORT AND RECOMMENDATIONS**

---

The Court has reviewed the Third Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Docs. #151), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Motion to Vacate under 28 U.S.C. § 2255 be DISMISSED with prejudice. Defendant is also DENIED any requested certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous.

January 13, 2014

\*s/Thomas M. Rose

---

Thomas M. Rose  
United States District Judge